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07/20/92

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4385

AN ORDINANCE reclassifying three contiguous lots encompassing approximately .59 acres of property located at 516 through 532-99th Avenue N.E., upon application of West Bellevue Properties; File REZ 91-7149.

WHEREAS, West Bellevue Properties filed an application for reclassification of three contiguous lots encompassing approximately .59 acres of property located at 516 through 532-99th Avenue N.E., in the City of Bellevue from R-3.5 to R-15; and

WHEREAS, on April 16, 1992, a public hearing was held on the application before the Hearing Examiner Pro Tem for the City of Bellevue upon proper notice to all interested persons; and

WHEREAS, on May 26, 1992, the Hearing Examiner Pro Tem recommended to the City Council approval of the application with conditions and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, medium density multifamily, which applies to the site under the Comprehensive Plan, encompasses from 11 to 20 dwelling units per acre and includes zoning districts R-15 and R-20 within its range; and

WHEREAS, the City Council finds and concludes that R-15 zoning for the site is more consistent with the existing single-family neighborhood to the west of the site (zoned R-3.5) than is R-20 zoning and is still consistent with the Comprehensive Plan and further that R-15 zoning provides a more appropriate transition from multifamily areas to single-family areas as required by the North Bellevue Subarea Plan; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner Pro Tem except that the City Council finds and concludes that R-15 zoning is more appropriate for the site and has determined that the public use and interest will be served by approving the reclassification of said property from R-3.5 to R-15 with conditions; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore,

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THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and conclusions based thereon made and entered by the Hearing Examiner Pro Tem in support of his recommendation to the City Council of May 26, 1992 approving the reclassification request with regard to the hereinafter described property as set forth in "Findings, Conclusions, and Recommendation of the Hearing Examiner for the City of Bellevue In the Matter of the Application of West Bellevue Properties (Thomas Spense, Rick Reininger) for Approval of a Reclassification of Property, File No. REZ-91-7149"; provided that, the City Council finds and concludes that R-15 zoning for the site is more consistent with the existing single-family neighborhood (zoned R-3.5) to the west of the site than is R-20 zoning and that R-15 zoning provides a more appropriate transition to single-family areas since it provides for a more moderate scaling down of multifamily development as it approaches single-family areas as required by the North Bellevue Subarea Plan and hereby amends the Hearing Examiner Pro Tem's findings and conclusions accordingly.

Section 2. The following described property located at 516 through 532-99th Avenue N.E. is hereby reclassified from R-3.5 to R-15 subject to the conditions that follow:

That portion of 99th Avenue (Sixth Avenue) and Block 2, Lochleven, as recorded in Volume 16 of Plats, Page 46, in King County, Washington, described as follows:

Commencing at the Northwest corner of said Block 2; thence Southerly along the West line thereof to the South line of the North 64.25 feet of said Block 2 and the True Point of Beginning; thence Easterly along said South line to the East line of the West half of said Block 2; thence Southerly along said East line to a line 127.25 feet North of, as measured along the West line thereof and parallel with the South line of said Block 2; thence Westerly along said line and the Westerly extension thereof to the centerline of said 99th Avenue N.E.; thence Northerly along said centerline to the Westerly extension of the South line of the North 64.25 feet of said Block 2; thence Easterly along said Westerly extension to the True Point of Beginning.

Said reclassification is subject to the following conditions:

1. In the event the property (which includes all three lots) is developed with ten housing units or greater, at least 10% of the units buildable under the original maximum density must be affordable units and

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at least 20% of the units buildable as the result of the increase in density from the original maximum density to the total number of approved units must be affordable units. One bonus market rate unit is permitted for each of the affordable units provided to meet the minimum 10% requirement of the original maximum density, up to 15% above the original maximum density. "Affordable units" shall be defined as set forth in LUC 20.50.010.

For the purpose of calculating the number of required affordable units, the original maximum density possible under the R-3.5 zoning is 3 units. The units shall remain affordable units for the lifetime of the R-15 zoning classification and shall be dispersed across the range of unit sizes and throughout the property.

Prior to issuance of any building permit, the applicant shall sign any necessary agreements with the City to implement the provisions of LUC 20.20.128. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provision of the Land Use Code in effect at the time of issuance of the development permit(s).

2. A Design Review shall be required per LUC 20.25B-Transition Areas. Pitched roofs shall be incorporated into the design of any multifamily project to insure compatibility with the existing residential character of the surrounding neighborhood.

This reclassification is conditioned on full compliance by the owner(s) of said property and its heirs, assigns, grantees or successors in interest, of the terms and conditions of that certain Concomitant Agreement executed by West Bellevue Properties, owner of said property, which has been given Clerk's Receiving No. 18090, and which has been adopted by reference into this ordinance as if it were fully set forth herein.

Section 3. This ordinance shall take effect and be in force 5 days after its passage and legal publication.


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PASSED by the City Council this 13th day of July,
1992, and signed in authentication of its passage this 27th day
of July, 1992.
(SEAL)



Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published July 31, 1992